

Remarks

I. Status of the claims

Upon entry of the foregoing amendments, claims 1, 2, 24-27, 29-36 and 38-75 are pending in the application, with claims 1 and 53 being the independent claims. New claim 75 is sought to be entered, and claims 52 and 74 are sought to be amended. These amendments to the claims are supported in the specification of the application as filed (with reference to the application as published (US 2003/0175711 A1), *inter alia*, in paragraph 0279 at page 23; in paragraph 0288 at page 23; in paragraph 0288 at page 23; in Examples 13-15 at pages 54-55; in Example 17 at page 56; in Example 54 at pages 75-78; and in Figures 13A-13E, 14A-14C and 19A-19B). Moreover, the previous Examiner has acknowledged that such claims are enabled by the present specification (*see* the present Office Action at page 3, lines 14-16, and at page 4, lines 13-15). Thus, these amendments introduce no new matter, and their entry and consideration are respectfully requested.

II. Summary of the Office Action

In the present Office Action, the Examiner has made or maintained two sets of rejections against the presently pending claims. In view of the following remarks, Applicants respectfully traverse the Examiner's rejections, and request that the Examiner reconsider and withdraw the rejections and allow the presently pending claims.

III. Obviousness Type Double-Patenting Rejections

In the present Office Action at pages 2-3, the Examiner has provisionally rejected claims 1, 2, 24-27, 39-36 and 38-74 as allegedly being unpatentable under the doctrine of

obviousness type double-patenting over claims 220-257 and 355-361 of copending U.S. Appl. No. 10/050,902 (hereinafter "the '902 application"). In addition, in the present Office Action at page 3, the Examiner has provisionally rejected claims 1, 2, 24-27, 29-35 and 50-74 as allegedly being unpatentable under the doctrine of obviousness type double-patenting over claims 1-4 and 6-51 of copending U.S. Appl. No. 10/622,087 (hereinafter "the '087 application"). Applicants offer the following remarks to traverse and overcome each of these provisional rejections.

A. The '902 Application

In making the provisional obviousness type double-patenting rejection over claims 220-257 and 355-361 of the '902 application, the Examiner contends that:

Although the claims of '902 are not directed specifically to amyloid beta peptide, the allowed copending claims are drawn to a genus of self antigens. Amyloid beta peptide is an obvious species within this genus, because the disclosure supporting the claims of '902 includes a discussion of amyloid beta as an example of self antigen. Therefore, the instant claims are obvious species within the previously allowed genus.

Present Office Action at page 2, final five lines. Applicants wish to point out that they have filed a Request for Continued Examination in the '902 application, including an amendment to claims 220 and 355 (and thus to claims 221-257 and 356-361 which depend, respectfully, therefrom) such that the claims in the '902 application do not encompass amyloid beta peptide. Thus, it is respectfully believed that there is no longer any basis for the rejection of any of the present claims over any claim in the '902 application on the ground of obviousness type double-patenting. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

B. The '087 Application

Applicants also respectfully traverse the obviousness type double-patenting rejection of certain of the present claims over certain claims in the '087 application. However, to expedite allowance of the present application, Applicants have attached a duly executed Terminal Disclaimer to obviate this rejection. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

IV. Rejections Under 35 U.S.C. § 112, First Paragraph

In the present Office Action at pages 3-4, the Examiner has rejected claims 52 and 74 as allegedly failing to comply with the enablement requirement under 35 U.S.C. § 112, first paragraph. Applicants respectfully traverse this rejection, and contend that the present specification fully enables these claims as previously presented.

Applicants note, however, that the Examiner has acknowledged that the present specification enables "an immunogenic composition for inhibition or treatment of Alzheimer's amyloidogenesis" (present Office Action at page 3, lines 14-16), and that "[t]he teachings of the specification, when combined with the skill of the art at the time of the invention, were sufficient for practice of an immunization method that inhibits or treats Alzheimer's amyloidogenesis" (present Office Action at page 4, lines 13-15). Therefore, to expedite allowance of the present application and not in acquiescence to the rejection, claim 52 has been amended to recite an immunogenic composition for inhibition or treatment of Alzheimer's amyloidogenesis, and claim 74 has been amended to recite an immunogenic method. Applicants also note that new claim 75 recites a method of inhibiting or treating Alzheimer's amyloidogenesis using (in at least one embodiment) the immunogenic

composition of amended claim 52. Accordingly, Applicants respectfully assert that claims 52 and 74 as currently presented, and new claim 75, are fully enabled by the present specification as was acknowledged in the present Office Action.

In view of the foregoing remarks, the rejection of claims 52 and 74 under 35 U.S.C. § 112, first paragraph, has been overcome. Reconsideration and withdrawal of this rejection therefore are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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